

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUCK INSURANCE EXCHANGE,)
a California insurance exchange,)
Plaintiff,)
v.) No. 1:11-cv-01812
MICHAEL CASSADY, JASON)
MAJERCZAK, BRIAN MILLIGAN, and)
THE PROVIDENCE OF PALATINE)
CONDOMINIUM ASSOCIATION,)
Defendants.)

TRUCK INSURANCE EXCHANGE'S
MOTION FOR JUDGMENT ON THE PLEADINGS

Plaintiff TRUCK INSURANCE EXCHANGE (“Truck”), by and through its attorneys, Kimbley A. Kearney, Don R. Sampen, Daniel R. Bryer, and Clausen Miller P.C., moves for judgment on the pleadings as to its Complaint for Declaratory Judgment against Defendants MICHAEL CASSADY (“Cassady:”), JASON MAJERCZAK (“Majerczak”), BRIAN MILLIGAN (“Milligan”), and THE PROVIDENCE OF PALATINE CONDOMINIUM ASSOCIATION (“the Condo Association”) pursuant to Federal Rule of Civil Procedure 12(c). In support of this motion, Truck states that the policy of insurance issued to the Condo Association by Truck does not provide coverage for Cassady, Majerczak and Milligan with regard to *The Providence of Palatine Condominium Association v. Hummel Development Group, LLC, et al.*, No. 10 L 8253, an action currently pending in the in the Circuit Court of Cook County, Illinois. In further support of this motion, Truck submits the accompanying Memorandum in Support.

WHEREFORE, Truck prays that this court enter a judgment finding and declaring that the Truck policy does not provide coverage for Cassady, Majerczak and Milligan and that Truck does not have a duty to defend or indemnify these defendants. Truck further prays that this court enjoin the defendants from seeking to recover under the Truck policy, award its costs incurred in this action, and grant any further relief it deems necessary and appropriate.

Dated: August 10, 2011

Respectfully submitted,

s/ Don R. Sampen

One of the attorneys for Plaintiff
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 10th day of August, 2011, he did electronically file the foregoing with the Clerk of the Court using electronic filing system which sent notification of such filing to the parties who are registered participants with the System. I hereby certify that I did mail or deliver a true and correct copy of the foregoing document to any non CM/ECF participant.

s/Don R. Sampen

DON R. SAMPEN